

said indicia wall.

REMARKS

The specification, abstract and claims have been amended to address the Examiner's rejections in the parent application and to place the application in better form. The claims have also been amended to further highlight and more clearly point out the important features of the invention.

In particular, claim 24 has been added to set forth features which have not been previously claimed in the parent application.

Claim 19 in the parent application has been rejected as being anticipated by Froelich. New claim 19 sets forth a cylindrical container body defining a cavity which in the preferred embodiment is shown by reference numeral 3. Portions of the cylindrical container body are shown in the preferred embodiment by reference numerals 3a and 3b. Applicant notes that according to a strict geometrical definition of a cylinder, the cross-section of a cylinder does not need to be circular. New claim 19 also sets forth an indicia wall which is shown in the preferred embodiment by reference numeral 7. This indicia wall is set forth as extending longitudinally along the container body. This longitudinal extension is shown in Figs. 1 and 2 as the indicia wall 7 extending from the top to the bottom of the figures.

Applicant has reviewed the reference of Froelich, and finds no teaching nor suggestion of an indicia wall which extends longitudinally along a container body. The rejection compares element 16 of Froelich with the container body of the present invention

and element 34 with the surface accommodating optically readable information. Applicant notes that element 34 of Froelich is not equivalent to the indicia wall of claim 21, since element 34 of Froelich does not extend longitudinally along a container body. It is quite clear from Figs. 1, 3 and 6 of Froelich, that element 34 does not have the same relative positioning as the indicia wall set forth in new claim 19, and shown in the figures of the present application. Therefore the longitudinally extending indicia wall causes new claim 19 to not be anticipated by Froelich. Applicant also notes that Froelich teaches a completely different type of cuvette and Applicant finds no teaching nor suggestion to provide a longitudinally extending indicia wall in cuvette. Claim 19 therefore cannot be considered obvious in view of cuvette.

The dependent claims 20 - 24 and 2 - 9 and 12 - 15 set forth further features of the indicia wall, and its relative position to the container body. These further relationships between the indicia wall and the container body are not taught nor suggested in Froelich and therefore these claims also cannot be anticipated, or obvious in view of Froelich.

Applicant notes that Froelich has extremely limited surfaces such as element 34, with dimensions that are even smaller than those of the cuvette. The cuvettes of Froelich are very small to start with and therefore element 34 provides a very small area to receive information. Also the way in which Froelich provides the information is very limited, as shown in Figs. 8 and 11 of Froelich. Element 34 of Froelich can therefore only hold a few different values of information. This is disadvantageous, especially when a large number of samples need to be examined. Froelich does show several elements 34, however the

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more elements 34 are provided, the more space and the larger the cuvette of Froelich becomes. With a large number of individually labeled samples, or with samples that need to be labeled with a persons name or identification number, Froelich would not be able to store all that information. If the number of elements 34 in Froelich was to be increased, it would very soon reach a limit where the size of each cuvette would become impractical.

With the present invention on the other hand, it is possible to carry out analysis of samples with very small test tubes, and to at the same time have a large amount of information stored on each of the test tubes. The area provided by the indicia wall of the present invention is large enough in many cases for a technician to apply a sticker, and to even possibly write information by hand onto the sticker and the indicia wall. All of this is not obtainable by Froelich.

Also the present invention has an advantage in that the present test tubes can be used in replacement of traditional cylindrical test tubes. This is not possible with Froelich, and is a further advantage of the present invention over Froelich.

The test tubes of the present invention are able to store large amounts of information, and at the same time be optically analyzed and processed. The present invention allows for a mass processing of a large amount of individual test tubes and therefore a lower analysis cost per test tube. This is an improvement over the prior art. Applicant respectfully requests patent protection for this improvement.

Claim 24 further sets forth that the indicia wall extends in a plane substantially parallel to the longitudinal axis of the container body. Element 34 of Froelich does not

extend in a plane substantially parallel to a longitudinal axis of a container body, and therefore claim 24 further defines over Froelich.

The indicia reader of claim 24 is also not taught nor suggested in the prior art, especially in combination with an indicia wall that extends from a container body and is substantially parallel to a longitudinal axis. Applicant has found this combination to be very beneficial. A large amount of data can be provided on a container body without significantly increasing the size of the container body. Also the indicia reader can be compactly arranged adjacent the optical detector, so that the whole apparatus takes up very little space. More equipment can therefore be provided in a laboratory or a laboratory can be made smaller. This is very important when a laboratory is analyzing infectious samples. It is only the present invention which describes this combination and relative positioning of an indicia wall with an indicia reader.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

ABSTRACT OF THE DISCLOSURE

A test tube apparatus including a container body (1) with a cavity (3) which is essentially prismatic and has an essentially rectangular cross section, a cylindrical connecting part (5) for filling, and a flat laminar zone (7) developed as an extension of one of the walls of the cavity. Information which can be read optically, such as bar codes or the like, may be accommodated on this flat laminar zone (7).

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